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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3 *In re Google Play Consumer Antitrust*
4 *Litigation*

CASE NO. 3:20-CV-05761 JD

5 *Related Actions:*

6 *Epic Games, Inc. v. Google, LLC*; 3:20-CV-
7 05671-JD
8 *In re Google Play Developer Antitrust*
Litigation, 3:20-CV-5792-JD

DECLARATION OF JAMIE L. BOYER

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10 **DECLARATION OF JAMIE L. BOYER**

11 I, Jamie L. Boyer, declare as follows:

12 1. I am an attorney with the law firm of Korein Tillery LLC and am one of the attorneys
13 representing Plaintiff Mary Carr in this consolidated action. I am admitted *pro hac vice* to practice
14 in this Court. The contents of this declaration are based on my personal knowledge. If called as a
15 witness, I could and would competently testify thereto.

16 2. After filing *Carr v. Google, LLC* (“*Carr*”) on August 18, 2020, I spoke with counsel
17 for Google on several occasions regarding acceptance of service for Google’s domestic entities,
18 service on the foreign Google defendants and the scope of the *Carr* complaint.

19 3. On September 18, 2020, the Court issued an Order setting out initial case management
20 deadlines and requirements. (Dkt. 42).¹ The Order instructed counsel in *Carr v. Google, LLC*, 3:20-
21 CV-05761-JD, *Bentley v. Google, LLC*, 3:20-CV-07079-JD, *Pure Sweat Basketball, Inc. v. Google,*
22 *LLC*, 3:20-CV-05792-JD, *Peekya App. Services, Inc. v. Google, LLC*, 3:20-CV-06772-JD, and *Epic*
23 *Games, Inc. v. Google, LLC*, 3:20-CV-05671-JD (collectively “Related Actions”), to discuss
24 consolidation of their cases for pretrial and trial purposes and to submit a joint case management
25 statement by October 1, 2020. (*Id.*)

26 ¹ Citations to “Dkt.” reference the docket in *Carr v. Google, LLC*, 3:20-CV-05761-JD, which was
27 converted to the master docket for *In re Google Play Consumer Antitrust Litigation* on November
28 20, 2020. (Dkt. 78). Citations to other dockets will be identified by the relevant case name.

1 4. Between September 18, 2020 and October 1, 2020, I participated in multiple
2 conference calls between and among counsel for the Related Actions. The purpose of these calls
3 was to discuss coordination of discovery and other pretrial matters, potential consolidation of the
4 pending actions, a schedule for responsive pleadings and page limits for same and potential motions
5 for interim class leadership.

6 5. I also participated in drafting, revising and filing the parties' Joint Case Management
7 Statement which memorialized the parties' negotiations and discussions in the prior weeks. The
8 Joint Case Management Statement was collectively prepared by all counsel in the Related Actions.
9 (Dkt. 45).

10 6. Following a case management conference on October 8, 2020, the Court ordered
11 counsel for the Related Actions to meet and confer no later than October 13, 2020, regarding case
12 scheduling, coordinated discovery and coordinated briefing and to submit a joint proposed plan on
13 those issues by October 16, 2020. (Dkt. 53).

14 7. In accordance with the Court's instructions, I participated on conference calls
15 between and among counsel for the Related Actions, on October 12, 13 and 15, 2020. During these
16 calls, counsel discussed the appropriate scope of a protective order, a protocol for handling
17 electronically stored information ("ESI"), a schedule for discovery and the extent to which written
18 discovery, third party discovery and depositions could be coordinated among the parties.

19 8. I then participated in drafting, revising and filing a Joint Proposed Plan for
20 Discovery Coordination and Case Scheduling ("Joint Proposed Plan") which memorialized the
21 parties' negotiations and discussions in the prior week. The Joint Proposed Plan was collectively
22 prepared by all counsel. (Dkt. 54).

23 9. Between October 16, 2020 and October 22, 2020, I participated in multiple
24 conference calls between and among counsel for the Related Actions, and Google, including but not
25 limited to calls on October 20, 21 and 22, 2020. During these calls, counsel discussed:

- 26 a. The scope and coordination of discovery, including but not limited to avoiding
27 duplicative written discovery requests, coordinating document production for all cases,
28

presumptive time limits on depositions, presumptive limits on written discovery requests and coordination of third party discovery to avoid undue burden on non-parties;

b. A detailed ESI protocol, including file formats, metadata fields and production guidelines (*i.e.*, how to handle de-duplication, attachments, etc.); and

c. The proper scope of a protective order, including but not limited to categories of protection (*i.e.*, confidential, attorneys' eyes only), who could see particular categories of documents and whether prior approval from the disclosing party would be needed before disclosure.

10. These discussions were ultimately memorialized in the Stipulation and [Proposed] Order Regarding Coordination of Discovery (Dkt. 56), [Stipulated] Order Regarding Discovery of Electronically Stored Information (Dkt. 57), and Joint Statement Regarding Protective Order (Dkt. 59). I participated in the drafting, revision and filing of those documents, which were collectively prepared by counsel in the Related Actions.

11. I also participated in the preparation of the Consolidated Class Action Complaint for the consumer class, which consolidated the *Carr* and *Bentley* actions into a single pleading. This process involved collaboration with counsel for *Bentley*. (Dkt. 55).

12. On October 29, 2020, the Court held a status conference and ordered counsel in the Related Actions to submit a unified scheduling order for the Related Actions on or before November 6, 2020. (Dkt. 65).

13. The following week, I participated on multiple conference calls among all counsel during which we discussed a schedule for discovery, class certification, third party discovery, experts and dispositive motion deadlines, as well as a trial date.

14. These discussions were memorialized in the Parties' Stipulation and [Proposed] Scheduling and Page Limits for Forthcoming Motion Practice. (Dkt. 71). This document was collectively prepared by counsel in the Related Actions, including me.

15. Additionally, during the case management conference held on December 3, 2020, I was tasked with resolving a dispute between plaintiffs and Google regarding protective order

1 language. After working with counsel for Google, the consumer class, the developer class and Epic,
2 a compromise was reached. On November 7, 2020, the parties submitted a [Proposed] Stipulated
3 Protective Order. (Dkt. 109).

4 16. The purpose of the communications, activities and filings described in Paragraphs 3-
5 15, *supra*, was to centralize and streamline activities in the Related Actions, as well as subsequently
6 filed actions, particularly with regard to discovery and responsive pleading practice. As a result of
7 these proactive and collaborative steps, there are guidelines in place for coordinated discovery
8 (written, deposition and third party), the production of ESI, the protection of confidential information
9 and a schedule through trial.

10 17. On November 9, 2020, plaintiffs in the Related Actions served their First Requests for
11 Production of Documents (“Requests”) on Google. These Requests were collectively prepared and
12 drafted by counsel for the consumer class, developer class and Epic. Since serving the Requests, I
13 have participated in multiple meet and confers with all counsel regarding the production of data and
14 documents.

15 18. On November 5, 2020, plaintiffs’ counsel in *Paige v. Google, LLC*, 1:20-CV-03158,
16 filed a motion to consolidate and transfer the Related Actions, among others, into a multidistrict
17 litigation in the District Court for the District of Columbia. (MDL No. 2981, Dkt. 1). On November
18 27, 2020, plaintiffs’ counsel in the Related Actions filed a joint opposition to the motion. (MDL No.
19 2981, Dkt. 37). Counsel from Korein Tillery and Bartlit Beck took the lead in coordinating those
20 efforts.

21 19. Korein Tillery and Bartlit Beck have already retained world-class economists and
22 other experts, and have been working with them for months developing the economic evidence and
23 theory that will be needed both to prove the merits of the consumers’ claims and in connection with
24 class certification.

/S/ Jamie L. Boyer

 Jamie L. Boyer